

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of August 27, 2008, in which the Examiner (1) rejected claims 1-11, 13-23 and 25-35 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of this invention and (2) rejected claims 1-11, 13-23, 25-28 and 30-35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,937,496 (“**Konya**”) in view of U.S. Patent No. 6,488,203 (“**Stoutenburg**”) and in further view of U.S. Patent No. 5,987,439 (“**Gustin**”).

Applicants appreciate the courtesy extended to the undersigned representative by the Examiner during several telephone interviews on October 17 and October 22, 2008, and the exchange of voicemails and proposed claims during that same time period. During those interviews, the objection to the Specification and the various rejections of the claims (as detailed in the latest Office Action) were discussed. Pursuant to the interviews, claims 1, 2, 7, 8, 9, 10, 11, 14, 17, 31, 32, 34 and 35 have been amended and new claims 36-38 have been added. Claims 13 and 30 have been canceled.

The rejection of claims 1 and 17 under 35 U.S.C. §112 were discussed specifically, resulting in various claim amendments herein. For example, claim 1 has been amended to more positively recite various limitations by including the term “configured,” to refer to functional language in the database element pertaining to the request at the initiating terminal as being “subsequent” to the “storing account information” and “relating account information,” and to more specifically recite that the transfer of money is facilitated “by the selection of the account information.” Similar language has been added to independent claims 9, 11, 17, 31, 32 and 35, and also has been incorporated into new independent claim 36. Also, the word “may” has been replaced (where feasible) with other words in both the independent and dependent claims. Applicants understand that these changes will overcome the rejection of the claims under 35 U.S.C. §112 (page 3 of the Office Action Remarks).

It is also Applicants' understanding that these just-mentioned changes to the claims, when now considered in conjunction with the Specification, would also overcome the objection to the Specification (page 2 of the Office Action Remarks).

As to the rejection of the claims under 35 U.S.C. §103, the relevant portions of **Soutenburg** (e.g., col. 7, lines 30-32) and specific limitations that would distinguish the claims over **Soutenburg** were discussed. Pursuant to those discussions, claim 1 has been amended to now recite that account information provided to and selected at the initiating terminal in order to facilitate the money transfer of money includes "at least a portion of an account number." Similar language has been added to independent claims 9, 10, 11, 17, 31, 32 and 35. Applicants understand that this limitation will distinguish the claims from the cited references and thus overcome the rejection of the claims under 35 U.S.C. §103 (pages 4-26 of the Office Action Remarks), subject to an updating search by the Examiner.

Also discussed during the interviews was the subject matter of dependent claim 30, which Applicants understand would be distinguishable over the cited references if re-written into independent form (incorporating all the subject matter of original parent claim 17). New claim 36 is claim 30 rewritten into independent form.

Further, in regard to claim 10, Applicants understand the Examiner's position to be that the presentation of such claim in "means plus function" form requires Applicants identify exemplary structure in the Specification for the recited elements, in order to be entitled to treatment under 35 U.S.C. §112, sixth paragraph. While Applicants are unable to find any authority for this requirement, in a good faith attempt to comply and advance prosecution, Applicants point out the following correspondence between recited elements of claim 10 (and their functions) and the specification:

Terminal means (including display means) -- elements 120 and 226 (Figs. 1 and 2; discussed at paragraphs 0014, 0026, 0027)
Data base means -- element 160 (Fig. 1; discussed in detail at paragraphs 0016, 0017, 0021)

Database management means -- element 140 (Fig. 1; discussed in detail at paragraph 0016, 0028, 0030

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a further telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Stephen F. Jewett/

Stephen F. Jewett
Reg. No. 27,565

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
61507943 v1